

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-107176-001 DT  
CR2012-007950-001 DT  
CR2016-000999-001 DT

06/07/2016

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT  
B. Navarro  
Deputy

STATE OF ARIZONA

PATRICIA L STEVENS  
MARY-ELLEN WALTER

v.

MICHAEL LEE CRANE (001)

HERMAN ALCANTAR JR.

CAPITAL CASE MANAGER

**MINUTE ENTRY (CAPITAL CASE IN CR 2012-107176-001)**

Defendant has again asked this Court questions regarding its jurisdiction to proceed and the authority to forbid his possession of a firearm. Because time did not permit an in-court conversation, and the questions required some research, the answers are provided in this format. These responses are not intended, and should not be deemed as being a ruling on any legal issue or any factual findings relevant to defendant's criminal case.

This Court has jurisdiction because Mr. Crane is a defendant in a criminal case. A "defendant" is a person against whom a crime has been alleged. A.R.S. § 13-105(29). Under the Arizona Constitution, the Superior Court has original jurisdiction over all felony cases. Art. VI, Sec. 14. The Constitution also delegates to the Legislature to enact all statutory laws. Art IV, Sec 1. These statutes include provisions that define the elements of a crime – Title 13, as well as the power of the County Attorney to prosecute those crimes. A.R.S. 11-532. The "state" is the party that initiates criminal offense actions. A.R.S. 13-108.

Defendant again cites to the provisions of the United States Maritime Code. By its own terms, the United States Maritime Code is limited to actions occurring on the high seas or

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navigable waterways of the United States. 18 USCA 2290. It does not apply to a state criminal proceeding.

As this is a criminal case, the procedures are governed by the Arizona Rules of Criminal Procedure. Rule 1.1 Rules of Criminal Procedure. The Arizona Rules of Evidence govern the nature of evidence admissible in a criminal trial. Rule 11.01 Rule of Evidence. It is the Arizona Constitution that authorizes the Arizona Supreme Court to set forth rules of criminal procedure and rules of evidence that must be followed for this case. Article VI Sec 3.

In sum, Mr. Crane is properly before this Court as a defendant charged with very serious criminal offenses. His case will be governed by the relevant provisions of the United States and Arizona Constitutions, the Arizona Criminal Code, the Arizona Rules of Criminal Procedures, and the Arizona Rules of Evidence. This Court has the authority and obligation to preside over these criminal proceedings. The County Attorney is the proper party to prosecute Defendant's matters.

Defendant next challenged the lawfulness of depriving him of his Second Amendment right to possess a weapon. The issue is not relevant to Defendant's upcoming trial because the one count of Misconduct Involving Weapons will not be tried for a while. Nonetheless, this Court promised him a response.

Every state and the federal Criminal Code have a provision similar to A.R.S. § 12-3102 that makes it unlawful for a felon whose rights have not been restored to possess a firearm. Such provisions have repeatedly been held to be constitutional. *United States v Waller*, 218 F3d 856 (8<sup>th</sup> Cir. 2000); *United States v. Baer*, 235 F3d 561 (10<sup>th</sup> Cir. 2000); *United States v. Darrington*, 351 F3d 632 (5<sup>th</sup> Cir. 2003); *Van Der Hule v. Holder*, 759 F.3d 1043 (9th Cir. 2014}. *See also*, *State v. Rascon*, 110 Ariz. 338, 519 P.2d 37 (1974) (condition of probation requiring that defendant should not have under his control any deadly weapon or firearm was a lawful condition of probation and was not in violation of the constitutional right to keep and bear arms.)